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7 **UNITED STATES DISTRICT COURT**
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
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10 CHARLES STEVENS,
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12 Petitioner,
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14 v.
15 KEVIN CHAPPELL,
16 Acting Warden of San Quentin State Prison,
17
18 Respondent.

No. C 09-137 WHA
DEATH-PENALTY CASE
ORDER

19 Petitioner is a condemned inmate at San Quentin State Prison. On January 12, 2009,
20 petitioner initiated the present habeas corpus action. Counsel for petitioner was appointed on
21 February 9, 2012. Through his appointed counsel, petitioner filed his Petition for Writ of
22 Habeas Corpus on February 11, 2013.


23 Although he is represented by counsel, petitioner has recently filed several documents *in*
24 *propria persona* and without the assistance of counsel. Petitioner filed a Motion to Dismiss and
25 Waive Certain Claims on April 19, 2013; this motion was denied without prejudice by the Court
26 on May 1, 2013.

27 Petitioner subsequently filed a Motion to Waive Penalty Phase and Certain Claims.
28 Because petitioner is represented by counsel, any motions of this type should be filed by counsel.
Accordingly, the Court DENIES WITHOUT PREJUDICE petitioner's Motion to Waive Penalty
Phase and Certain Claims. The Court also notes for the record that, with the assistance of

1 advisory counsel, it has examined the issues addressed in petitioner's *pro se* motions, and has
2 filed an explanatory memorandum under seal.

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4 **IT IS SO ORDERED.**

5 DATED: August 24, 2013



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE